

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TONYA MILLIGAN, et al. : CIVIL ACTION  
: :  
: :  
v. : :  
: :  
: :  
CAPTAIN ANTHONY WASHINGTON, : :  
et al. : NO. 10-5888

**ORDER**

And now this 7th day of March, 2011, having spoken with counsel to discuss scheduling issues in the above captioned matter it is hereby **ORDERED** that:

1. Fact Discovery shall close on **June 15, 2011**.
2. All pre-trial motions including but not limited to Summary Judgement Motions are to be docketed with the Clerk of Court and a copy delivered to Judge Restrepo's Chambers - Suite 3038, 601 Market Street, Philadelphia, PA 19107 no later than **August 1, 2011**.
3. Opposition to said motions are to be docketed with the Clerk of Court and a copy delivered to Judge Restrepo's Chambers - Suite 3038, 601 Market Street, Philadelphia, PA 19107 no later than **August 31, 2011**.
4. Reply briefs are to be docketed with the Clerk of Court and a copy delivered to Judge Restrepo's Chambers - Suite 3038, 601 Market Street, Philadelphia, PA 19107 no later than **September 15, 2011**.
5. All parties **SHALL** comply with the following protocol as to Summary Judgement pleadings:

**A.** The movant shall file, in support of the motion, a Statement of Undisputed Facts which sets forth, in numbered paragraphs, all material facts which the movant contends are undisputed;

**B.** The respondent shall file, in opposition to the motion, a separate Statement of Disputed Facts, responding to the numbered paragraphs set forth in the movant's Statement of Undisputed Facts, which the respondent contend present a genuine issue to be tried. The respondent shall also set forth, in separate numbered paragraphs, any additional facts which the respondent contends preclude summary judgment.

**C.** All material facts set forth in the Statement of Undisputed Facts required to be served by the movant shall be admitted unless controverted by the opposing party.

**D.** Statements of material facts in support of or in opposition to a motion for summary judgment shall include specific and not general references to the parts of the record which support each of the statements. Each stated fact and each statement that a material fact is disputed shall cite the source relied upon, including the title, page and line of the document supporting the statement.

**Failure of the movant to follow this procedure in all respects will result in the denial of the motion. Respondent's failure to comply will result in the Court's considering the motion as uncontested.**

**E.** Counsel shall submit a joint appendix, including any and all exhibits that may be referenced in their respective motions, no later than **August 1, 2011**. All pages/exhibits of said appendix shall be "bates stamped" and referenced in the motions consistent with the bates number assigned each page. The undersigned will not consider any document/exhibit not included in said appendix.

6. Jury Selection and Opening Statements in this case will begin at **9:30 a.m. on December 2, 2011** in Courtroom Number 3I - Third Floor 601Market Street.

7. The presentation of evidence in this case will begin at **9:30 a.m. on December 5, 2011** in Courtroom Number 3I - Third Floor 601Market Street.

8. All pretrial memorandum are to be filed with the Clerk of Court and a copy delivered to Judge Restrepo's Chambers no later than **November 10, 2011**.

9. All parties shall prepare and file their respective pretrial memorandums consistent with Local Rule of Civil Procedure 16.1( c ) - the parties shall also include or attach to their pretrial memorandum the following:

- (i) the identity of each expert witness to be called at trial by the party;
- (ii) a curriculum vitae for each expert witness;
- (iii) the identity of each fact witness to be called at trial with a concise statement of the nature of the expected testimony (witness not listed may not be called by that party in its case-in-chief);
- (iv) designation of deposition testimony to be offered at trial;
- (v) an itemized statement of damages or other relief sought;
- (vi) a statement of any anticipated important legal issues on which the Court will be required to rule, together with counsel's single best authority on each such issue.

10. No later than **November 10, 2011** the parties shall file with the Clerk of Court **JOINT** proposed jury instructions on substantive issues and proposed verdict forms or special interrogatories to the jury. Each party shall also file proposed jury instructions, verdict forms or special interrogatories on those issues not agreed upon by the parties in their joint submission. In submitting proposed points for charge, the parties are directed to the Model Civil Jury Instructions

which are available on line at:

**<http://www.ca3.uscourts.gov/modeljuryinstructions.htm>**

Where applicable, the Court will use the Model Civil Jury Instructions to instruct the jury.

In submitting points for charge based on the Model Jury Instructions, the parties need only refer to the Model Instruction by number and do not need to submit the text of the Instruction.

Jury instructions shall be submitted on a separate sheet of paper, double spaced, with accurate quotes from and citations to cases and pattern jury instructions where appropriate. The parties shall also provide the Court at Chambers with proposed jury instructions on a computer disk in WordPerfect 12.0 for Windows format.

**11.** No later than **November 10, 2011** the Parties are to exchange a final version of any and all trial exhibits. Two copies of each Party's trial exhibits shall also be delivered to Judge Restrepo's chambers no later than **November 10, 2011**.

BY THE COURT:

/s/ L. FELIPE RESTREPO

L. Felipe Restrepo  
United States Magistrate Judge